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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) 10006288-1	
I hereby certify that this correspondence is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300 on <u>11/25/2005</u> Signature <u>Krishna Kalidindi</u> Typed or printed name <u>Krishna Kalidindi</u>		Application Number <u>10/074,179</u>	Filed <u>02/12/2002</u>
		First Named Inventor <u>Qian Lin</u>	
		Art Unit <u>2685</u>	Examiner <u>Aung Moe</u>
Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) <input type="checkbox"/> attorney or agent of record. Registration number _____ <input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>41,461</u>		<u>Krishna Kalidindi</u> Signature <u>Krishna Kalidindi</u> Typed or printed name <u>(703) 893-8500</u> Telephone number <u>11/25/2005</u> Date	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			
<input type="checkbox"/> Total of _____ forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.8. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application No. 10/074,179Docket No. 10006288-1**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of)	MAIL STOP AF
)	
Qian LIN)	
)	Group Art Unit: 2685
Application No.: 10/074,179)	
)	Examiner: Aung MOE
Filed: February 12, 2002)	
)	Confirmation No. 5006
For: METHOD AND SYSTEM FOR)	
ASSESSING THE PHOTO QUALITY)	
OF A CAPTURED IMAGE IN A)	
DIGITAL STILL CAMERA)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW**MAIL STOP AF**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the final Office Action dated August 25, 2005, Applicant respectfully requests review of the Examiner's rejections prior to Appeal for at least the following reasons. A Notice of Appeal is being filed concurrently herewith.

1. Ina Does Not Teach Checking, In Camera, The Photo Quality Of A Captured Image And Providing A Corresponding Photo Quality Feedback To A User

Claim 14 stands rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Ina et al. (U.S. Patent No. 6,298,198) in view of Luo (U.S. Patent No. 6,134,339). Specifically, the Final Office Action cites Figs. 2, 7, 11 and 14; col. 7, lines 45+; col. 8, lines 25+ and col. 9,

Application No. 10/074,179Docket No. 10006288-1

lines 5+, and controller 100/92 for allegedly teaching: *checking, in-camera, the photo quality of the captured image to determine if the photo quality is acceptable*. However, Applicant respectfully submits that this characterization of the teaching of Ina is incorrect for at least the following reasons.

Ina describes a method for detecting blur resulting from camera motion or subject motion (col. 7, lines 43-50). A camera in Ina captures a latent image and a pair of temporally displaced electronic images (col. 3, lines 14-18). Ina, therefore, captures three images for each picture taking event (col. 7, lines 64-65).

The latent image is captured during a latent image exposure time interval having an initial, middle and final portions. The first electronic image (FIG. 14, element 128) is captured during the initial portion of the latent image exposure time interval and the second electronic image (FIG. 14, element 130) is captured during the final portion of the latent image exposure time interval (col. 8, lines 34-43).

The two electronic images are converted to first and second digital electronic images and stored in first and second memories (col. 8, lines 2-9). The two images are then combined (FIG. 14, element 134) and displayed to the photographer (col. 8, lines 19-24) in which the blur is displayed as two different likenesses of the same subject (col. 9, lines 5-9). Ina does not describe, nor is it concerned with, checking for photo quality.

The combined, resultant electronic image allows the user/photographer to take another picture (if necessary) of the same subject matter while correcting for the undesired motion present in the earlier capture event (col. 8, line 66 to col. 9, line 4).

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Controller 100 is used to calculate exposure parameters for the film exposure, shutter time for electronic exposure of the images and to change the aperture for the film paths (col. 6, lines 61-67). These functions of the controller, however, relate to capturing of the latent image and the two electronic images and not to determining quality of the capture image as asserted in the Official Action.

Ina does not provide a corresponding feedback to a user as to whether the photo quality of a captured image is acceptable. Ina simply presents to a photographer two temporally displaced electronic images as one image (FIG. 14, elements 128, 130 and 134) and the photographer may then capture the image one more time while correcting the undesired motion. Since Ina does not determine photo quality, Ina cannot inform the user as to whether the quality of a captured image is acceptable.

As described, Ina simply fails to disclose *checking in-camera, the photo quality of the captured image to determine if the photo quality is acceptable and providing a corresponding feedback to a camera user.*

2. Luo Does Not Overcome The Deficiencies Of Ina

The Office Action acknowledges that Ina fails to disclose *computing a face quality figure of merit for the captured image; and comparing said computed face quality figure of merit to a threshold to determine if said face quality figure of merit exceeds said threshold.* Luo is relied upon for overcoming this deficiency.

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Luo also fails to disclose *checking in-camera, the photo quality of the captured image to determine if the photo quality is acceptable and providing a corresponding feedback to a camera user.*

Luo is directed to a method for determining eye position and for correcting eye-defects (such as red-eye) in a captured image. Luo scans an image for high intensity pixel values in the red channel to detect human eyes and in the green channel to detect animal eyes (col. 8, lines 18-23). As such, Luo is not directed to determining a face quality figure of merit.

Accordingly, reconsideration and withdrawal of the rejection of claims 14 under §103(a) over Ina in view of Luo are respectfully requested.

Applicants respectfully submit that the remaining claims (15-19), all of which depend on claim 14, are also allowable. The patents relied upon for rejecting claims 15-18 (Cheatle) and 19 (Lin) also fail to disclose the deficiencies of Ina as highlighted above.

All of the objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance and a notice to that effect is earnestly solicited. Should the Examiner have any questions with respect to expediting the prosecution of this application, he is urged to contact the undersigned at (703) 893-8500.

Respectfully submitted,

Potomac Patent Group PLLC

Date: November 25, 2005

By: Krishna Kalidindi

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NOV 25 2005

PATENT APPLICATION

ATTORNEY DOCKET NO. 10006288-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Qian Lin

Confirmation No.: 5006

Application No.: 10/074,179

Examiner: Aung Moe

Filing Date: 02/12/2002

Group Art Unit: 2685

Title: Method And System For Assessing The Photo Quality Of A Captured Image In A Digital Still Camera

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM THE EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner dated, 08/25/2005, rejecting the following claims 14-19.
The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

(complete (a) or (b) as applicable)

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

() (a) Applicant petitions for an extension of time under 37 CFR 1.136 (fees: 37 CFR 1.17(a)-(d) for the total number of months checked below:

() one month	\$120.00
() two months	\$450.00
() three months	\$1020.00
() four months	\$1590.00

() The extension fee has already been filed in this application.

(X) (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

Please charge to Deposit Account 08-2025 the sum of \$500.00. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

() I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: _____

OR

(X) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number (571) 273-8300 on 11/25/2005

Number of pages. 7

Typed Name: Krishna Kalidindi

Signature: Krishna KalidindiRespectfully, 11/25/2005 BINAS 00000032 002025 10074179

Qian Lin 01 FC:1401

500.00 DA

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Date: 11/25/2005